

the requirements for compliance with a rule other than what I just described. So a court would not have any basis for delaying compliance based on the longer period for expedited procedures.

The expedited procedures are Congress' internal mechanism for prompt consideration of a joint resolution to disapprove a rule. We could disapprove rules now, by using a joint resolution of disapproval. But being aware of that possibility does not permit a court to waive compliance or delay the effective date of a rule and it shouldn't just because we've added expedited procedures.

I expect we will monitor the implementation of these requirements carefully and make the necessary changes as we identify real-life problems. That will certainly be my intention.

These procedural problems aside, though, Mr. President, I am pleased with this legislation. No longer will be able to tell our constituents who complain about regulations that do not make sense, "talk to the agency," or "your only recourse is the courts." Now we are in a position to do something ourselves. If an agency is proposing a rule that just does not make sense from a cost perspective it will be easier for us to stop it. If a rule doesn't make sense based on practical implementation, we can stop it. If a rule goes too far afield from the intent of Congress in passing the statute in the first place, we can stop it. That's a new day, and one a long time in coming.

How much time these new responsibilities will take and how often the resolution of disapproval will be exercised, no one can predict. We may be surprised in either direction. But as we work with this process and learn from this process, we can make the necessary adjustments in the law. The important thing is that we get this review authority in place and I am very pleased that we are going to be able to do that in this legislation.

I'd like to comment on title III of this bill as well. As a member of both the Small Business Committee and the Governmental Affairs Committee, I am particularly familiar with and interested in the small business regulatory fairness provisions. I support adding judicial review to the Regulatory Flexibility Act and, like legislative review it's been a long time in coming. It will be the stick that forces the regulatory agencies to pay attention to their responsibilities with respect to small governments and small businesses.

I have previously commented on my concerns about the provision establishing the SBA Enforcement Ombudsman. While I can support this provision, I do not think it goes far enough in using the traditional role of ombudsman to resolve enforcement disputes, and I will be pursuing legislation in the vein in the Governmental Affairs Committee. I am relieved, however, that we have made it clear that while a responsibility of the ombudsman is to evaluate and rate agencies based on their responsiveness to small business in the area of enforcement, it is not the re-

sponsibility of the ombudsman to rate individual personnel of those agencies. This is an important issue because, while we certainly want to promote and ensure fair treatment of small business with respect to regulatory enforcement, we do not want to weaken or intimidate our enforcement personnel so they fail to do the job we require of them. Senator BOND made those assurances in a colloquy we had when this bill initially passed the Senate.

I also want to note that the Small Business Regulatory Fairness Board created by this legislation is subject to the requirements of the Federal Advisory Committee Act. This ensures that the business conducted by this panel is open to the public and that any potential conflicts of interest are known. Obviously, since the bill limits membership, the requirements of FACA for balanced membership would not apply. But to the extent the requirements of FACA can apply, they are expected to apply, and that is why this provision is acceptable.

The provision granting the small business advocacy review panel the opportunity to see a proposed rule before it is published in the Federal Register is a novel step. While the panel is comprised of Federal employees, the panel is directed to obtain comments and input from small entities. The purpose of this comment and review is to assess whether the agency lived up to its responsibilities under the Regulatory Flexibility Act. It is my understanding that the panel is not permitted or expected to share a copy of the draft proposed rule with the small entities with whom it confers, but rather to field comments and concerns about the nature of the rulemaking and its possible effects on small entities. This is an important limitation because to allow otherwise would be to give a unique advantage to one group that is not permitted to other persons affected by the proposed rule.

Mr. President, because this bill is attached to the debt ceiling bill, some of these provisions will take effect immediately. There will be start-up problems with some of these provisions, in particular the congressional review process, because there is no preparation time. We should recognize the reality of these problems and work diligently to mitigate them.

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 1996 AND 1997—CONFERENCE REPORT

The Senate continued with the consideration of the conference report.

Mr. COVERDELL. Mr. President, I yield myself as much time as I may need. I see several Senators who are waiting to give remarks. I alert them that I will not be long. I simply must make a remark or two about the statements that have been addressed before the Senate by my colleague from Louisiana.

He, obviously, is very much a student of the issues of China and Taiwan and

the United States. He speaks with great sincerity and knowledge. I think he raises a significant dilemma. While we all acknowledge the scope of new China, the People's Republic of China, its size, its military prowess, its emerging economy, it almost reminds you of the Gold Rush, the oil booms, but given that, bigness in size and power alone cannot be the stanchions upon which we, or the rest of the world, establish our relationship with the People's Republic of China.

Yes, those are critical ingredients. They cannot stand apart from everything else. The 20 million people who live in the Republic of China Taiwan also have long claim to one-China policy, but it does not accept dictatorship or oppression or many others of the grievous policies of the People's Republic of China.

From the time Chiang Kai-shek retreated to that island in 1949, that was a conquest, in a sense, of Taiwan. The native Taiwanese, who outnumbered those who retreated, have long harbored the independent or nationalistic movement. I think a reality of contemporary review of this situation has to acknowledge that that movement is likely to grow, and a reality of this democratic election that just occurred was that President Li was faced, as we are, with contemporary issues in our own country, with the nationalistic spirit that is emerging there.

The one-China policy cannot, with the flick of a light, turn that way, even though it is much larger, much more powerful. It just cannot obviate this nationalistic movement, and I do not think we can ignore it.

I do not believe that the People's Republic of China—and I heard Dr. Kissinger when he appeared before the Foreign Relations Committee. He basically slapped the wrist of the United States and Taiwan and the People's Republic of China.

But for the People's Republic of China to come to the point where, because of their size and because of their prowess, they are going to dictate to the United States who can visit here—I mean, what is a visit is not an abrogation of the one-China policy. Their leaders visit here, too. I think that does need to be confronted, or addressed; maybe that is a better word.

So, I think the Senator is right that it is not just appeasement and not just confrontation. But that projects appeasement as well as confrontation. In the tone of the remarks, I felt it was somewhat of an apology for our endeavoring to struggle with the People's Republic of China and we should accept their edicts because of their size and their power. I personally would reject that. I do not think that is what the Senator meant, but in the tone of it, the excusing of the sale of powerful weapons, human rights violations—that is still a rogue government. It is still a dictatorship.

While I think it is a delicate issue for us to struggle with, I do not accept appeasement because of their size nor because of their economy. I do not mean to dwell on that long, but I did want to comment.

Mr. JOHNSTON. If the Senator would yield, I was not suggesting—and I tried to make it clear—I was not countenancing any violations of the missile treaty control regime, which, by the way, I do not. If they violate it—my own opinion is they did. That violation was, what, 3, 4 years ago. I forget exactly when. They have the capacity to continue to violate it further, but are not at this time.

I do not excuse that. But I say that really what we ought to do is reassure Taiwan, as we have, that the law of the land is the Taiwan Relations Act, that we will not countenance any invasion of Taiwan, but that our policy ought to encourage peaceful reunification, one China, peaceful reunification, two regimes, which six Presidents have signed on to, and we should not change that—that is what I am saying—and reassure both parties.

Mr. COVERDELL. But if I might, six Presidents have reaffirmed that. That is a long time. As the Senator has said, the burgeoning economy of China has gotten to a place that even the Senator had missed, and the Senator has revisited and seen it. That is a massive change during this course of time. The point I am trying to make is, there are equally important changes that are occurring in Taiwan.

Mr. JOHNSTON. Exactly.

Mr. COVERDELL. Among them, that cannot be undone, is there is a growing movement that it is a democracy. That is a democracy. The People's Republic of China is not. They are miles apart in that. There is a growing and emerging spirit within this island that they should be free and they should never be intimidated into the kind of government that the People's Republic of China still is, and they have empirical evidence of the way that government would operate by watching even the situation in Hong Kong today, which is a very disruptive situation, as you know, and very controversial.

So they have reason to be deeply concerned about their own freedom which they now own. That is a change in the flow of events among them.

Mr. JOHNSTON. Is the Senator saying that we should encourage a unilateral declaration?

Mr. COVERDELL. No, I am not. That phenomenon is as real and different as some of the changes the Senator pointed to that have occurred in the People's Republic of China. It cannot be ignored.

Mr. JOHNSTON. Would my friend find at fault this formulation, that the United States should make it clear to both sides that reunification, if it occurs, is a bilateral decision of the two countries, to be taken peacefully, and that the United States step aside, step out of the arena, having reassured both

sides—Taiwan that we do not countenance any invasion, and the PRC, that we are not encouraging a unilateral declaration of independence—and let those two parties make their decision?

Mr. COVERDELL. I think one of the things that the Senator said in his initial remarks, that would be my answer to that—and it goes back to the point I just made about massive changes occurring in the People's Republic of China and in Taiwan—would be that when you call upon the President to maybe articulate, as much of what all of us say are captured by views and attitudes that perhaps were obsolete.

So I do not know that I would specifically accept or embrace the point the Senator made just now, but I would acknowledge that there are major changes occurring in the geography of the area and it does require all of our attention. I admire the effort that the Senator has given to the subject, but I just wanted to remind us that there are two sets of phenomena and changes that are occurring. I do not believe President Li had any option but to acknowledge the winds of change and attitudes on his own island.

Mr. President, I was going to make some remarks about the drug policy, but I am going to defer that. I see the manager of the bill has returned to the floor. I know the Senator from California—

Mr. THOMAS. Would the Senator yield for a question?

Mr. COVERDELL. I certainly would.

Mr. THOMAS. With regard to the discussion that we are having, I wonder if the gentleman would agree that what we are talking about here basically is the bill before us, and some of the discussion has been about several of the components of that bill which I find do not place us on the side of being opposed to the one-China policy, and they do not place us on the side of being particularly supportive of one or the other of these parties, but rather indicate that we expect to stick with the agreements that are made on both sides.

Mr. COVERDELL. I would agree.

Mr. THOMAS. I was a little surprised that the suggestion was that all of the problems were because President Li came here. There are some problems on the other side, agreements that have not been lived up to. I wonder if the gentleman would agree that that is what this bill is about, is to have agreements with both of these sides and to expect that they be lived up to?

Mr. COVERDELL. I do agree. I appreciate the remarks by the Senator from Wyoming. I mentioned, in the colloquy between myself and the Senator from Louisiana, that, indeed, I do not find the visit by President Li as a reprehensible act. It seemed to me to be a rather normal exchange. I concede the sensitivities, but I do not believe the People's Republic of China should be carrying their concerns and sensitivities to the point that they are telling us who we might have visit the United States.

Mr. JOHNSTON. Will the Senator yield?

Mr. COVERDELL. I will.

Mr. JOHNSTON. When the statute says we should invite President Li, they should come with all appropriate courtesies, that is just not a casual visit, as if by a foreign tourist. "All appropriate courtesies" means, in effect, we ought to invite a head of state and have this, in effect, as a state visit. Is that not what the plain language means?

Mr. COVERDELL. I think you expand the interpretation of the language. That may be interpreted in the eye of the beholder, but it would certainly be viewed by President Li one way and the People's Republic of China another. But we extended appropriate courtesies to the leaders of the People's Republic of China that visited our country.

Mr. JOHNSTON. I know. But when it says we should seek a visit with "all appropriate courtesies," what does "all appropriate courtesies" mean?

Mr. COVERDELL. As I just said, it could be interpreted in many ways. But I would remind the Senator that that is nothing more than a sense of the Congress, and not law.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. HELMS. I yield—how much time does the Senator want?

Mr. THOMAS. Ten minutes.

Mr. HELMS. I yield 5 minutes to the distinguished Senator. But before he begins, Mr. President, I have a little housekeeping task to do for the leader.

WAIVING CERTAIN ENROLLMENT REQUIREMENTS

Mr. HELMS. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of House Joint Resolution 168 received from the House.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 168) waiving certain enrollment requirements with respect to two bills of the One Hundred Fourth Congress.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. HELMS. Mr. President, I ask unanimous consent that the joint resolution be considered, read a third time, and passed, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The joint resolution (H.J. Res. 168) was passed.

Mr. HELMS. I thank the Chair, and I thank the Senator.